AO No. 167 of 2001
(Old No. 1116 of 1993)
Hon'ble P.C. Pant, J.

Mr. Pankaj Purohit, learned Counsel for the appellant filed his vakalatnama in the Court today. The same be taken on record.

Learned counsel for the plaintiff-appellant states that this appeal received from Allahabad High Court has already been rendered infructuous in view of the fact that the suit itself has been decided by the trial court against which appeal is already separately pending.

In the circumstances, this appeal against order passed under order 39 Rule 2 of the Code of Civil Procedure, 1908, has become infructuous.

Accordingly, this appeal from order is dismissed as infructuous.

Dt: 22.02.06
HN **(P.C. Pant, J.)**